

REMARKS

The present response addresses the issues raised in the Official Action dated January 9, 2008, wherein the Examiner has rejected claims 4 and 12, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Furthermore despite identifying the same to be allowed, the Examiner has raised further objections relative to claims 5 and 17, suggesting specific amendments as being necessary to address identified informalities directed to addressing consistency concerns.

Relative to claims 5 and 17, the Examiner has failed to identify the alleged inconsistency, so it is not clear what, if any amendments may be necessary. Given that the claims are currently identified as being allowed, the articulated objection and the alleged need for amendment is even more puzzling. More specifically, it is not clear relative to what that the claims may be inconsistent. In view of the Examiner failing to fully articulate a suitable objection, the applicants have been precluded from meaningfully responding to the Examiner's specific concerns. Furthermore, after reviewing the specific language, the applicants have failed to separately identify the basis for any objectionable language. The current language appears to be reasonable, in terms of its scope and its nature, such that one skilled in the art would understand the metes and bounds of the claimed invention for which the applicants seek protection by way of a patent. No corrections of the claims are believed to be necessary.

Regarding claims 4 and 12, the applicants have reviewed the basis for the Examiner's position, and similarly do not agree with the reasoning used to support the articulated objection. It would appear that the Examiner has objected to the claims having language, which is inconsistent with language associated with specific embodiments described in the detailed description. In turn, the Examiner has sought to impose a restriction into the claims, based upon the nature of at least one of the specific exemplary embodiments. However, the embodiments in the detailed description do not define the scope of the claims, the language of the claims define the scope of the claims. The applicants believe that the Examiner has misconstrued the requirements of 35 U.S.C. §112, second paragraph, namely that there is no requirement that the claims be consistent with any particular embodiment being described in the detailed description to the degree that is being currently requested by the Examiner.

A specific detailed embodiment identifying by way of example the detection of user's voice signals, would appear to support and be consistent with the claimed detection of audio signals. More specifically, voice signals are an example of and a subset of audio signals, and consequently contrary to the Examiner's assertions are fully supportive and consistent with the specific claimed language. The applicant would respectfully request that the Examiner reexamine and reconsider the claims, in view of the above noted remarks.

Respectfully submitted,

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